

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLIAM J. SMITH,

Petitioner,

v.

CASE NO. 2:07-CV-11060
HONORABLE LAWRENCE P. ZATKOFF

PALMER,

Respondent.

ORDER OF SUMMARY DISMISSAL

William J. Smith (“Petitioner”), a state prisoner presently confined at the Alger Maximum Correctional Facility in Munising, Michigan, filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. In his pleadings, Petitioner challenges a 1985 conviction for assault with intent to rob while armed which was imposed following a jury trial in the Recorder’s Court for the City of Detroit (Wayne County). Petitioner was sentenced to 30 to 50 years imprisonment.

Rule 4 of the Rules Governing Section 2254 Cases provides that a district court may enter an order for the summary dismissal of a habeas corpus petition “[i]f it plainly appears from the face of the petition and any exhibits annexed to it that the petitioner is not entitled to relief in the district court.”

In his pleadings, Petitioner states his offense and length of sentence and lists appeals and other court actions that he has pursued. He does not, however, clearly state any federal habeas claims, explain the nature of his claims, or set forth the facts or legal theories underlying his request for habeas relief. Although pleadings filed by prisoners who do not have access to counsel are liberally construed, *see Haines v. Kerner*, 404 U.S. 519, 520-21 (1972), a prisoner’s habeas petition

must set forth a claim upon which federal habeas relief may be granted. In this case, the Court cannot discern the legal or factual basis for Petitioner's request for habeas review. The petition is vague, confused, and does not make logical sense. The Court shall therefore dismiss the petition for failure to state a claim upon which habeas relief may be granted. This dismissal is without prejudice to Petitioner's right to file a petition which more clearly articulates his claims for relief. Accordingly,

IT IS ORDERED that the petition for a writ of habeas corpus is **DISMISSED WITHOUT PREJUDICE**.

s/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF

UNITED STATES DISTRICT JUDGE

Dated: April 4, 2007

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on April 4, 2007.

s/Marie E. Verlinde

Case Manager

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